

REC'D PAT/PTO 22 SEP 2005

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kusuki NISHIOKA

ATTN: Application Branch

Application No.: 10/532,795

Docket No.: 123598

Filed: April 25, 2005

For: THERAPEUTIC AGENT FOR FIBROMYALGIA

**NOTIFICATION OF ACCEPTANCE AND FILING RECEIPT STATUS REQUEST**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-captioned patent entered the National Phase on April 25, 2005.

The Declaration was filed on April 25, 2005.

The original Notification of Acceptance and Filing Receipt have not yet been received. It is respectfully requested that the original Notification of Acceptance and Filing Receipt be immediately forwarded to the attorneys of record at the address set forth below.

If there are any questions regarding this matter, please contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Oliff  
Registration No. 27,075

Jesse O. Collier  
Registration No. 53,839

JAO:JOC/nxy

Date: September 22, 2005

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

FORM PTO-1390  
(REV. 01-2003)

US DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
123598

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
10/532,792

INTERNATIONAL APPLICATION NO.  
PCT/JP2003/013999

INTERNATIONAL FILING DATE  
October 31, 2003

PRIORITY DATE CLAIMED  
October 31, 2002

TITLE OF INVENTION  
THERAPEUTIC AGENT FOR FIBROMYALGIA

APPLICANT FOR DO/EO/US  
Kusuki NISHIOKA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
  - c. ☐ The International Application was filed in English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Notification of Acceptance and Filing Receipt Status Request

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.532, 1.598)  
10/532,792

INTERNATIONAL APPLICATION NO.  
PCT/JP2003/013999

ATTORNEY'S DOCKET NUMBER  
598

21. ☐ The following fees are submitted:

**CALCULATIONS** **PTO USE ONLY**

**BASIC NATIONAL FEE (37 CFR 1.492(a)):** ..... \$ 300.00

**SEARCH FEE (37 CFR 1.492(b)(1)-(3)):**

International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage ..... \$ 0.00

International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA ..... \$ 100.00

International search report provided to USPTO no later than the time at which the search fee is paid ..... \$ 400.00

All situations not provided for above ..... \$ 500.00

**EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)):**

International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage ..... \$ 0.00

All situations not provided for above ..... \$ 200.00

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

TOTAL PAGES OF APPLICATION OVER 100 ( - 100)	÷ 50	= ↑	x 250 =	\$
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†round up to next integer

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
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TOTAL CLAIMS	- 20	=	x 50.00 =	\$
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INDEPENDENT CLAIMS	- 3	=	x 200.00 =	\$
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MULTIPLE DEPENDENT CLAIM(S)(if applicable)		=	+ 360.00 =	\$
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**TOTAL OF ABOVE CALCULATIONS =** \$

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

**SUBTOTAL =** \$

Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

**TOTAL NATIONAL FEE =** \$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

**TOTAL FEES ENCLOSED =** \$

Amount to be refunded:	\$
charged:	\$

a. ☐ Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

OLIFF & BERRIDGE, PLC

Customer Number: 25944

Date September 22, 2005

NAME: James A. Oliff  
REGISTRATION NUMBER: 27,075

NAME: Jesse O. Collier  
REGISTRATION NUMBER: 53,839